ORDINARY MEETING

23 OCTOBER 2019

9:00 A.M.

PRESENT:  Cr B Manning  (Chairperson)
          Cr R Bates
          Cr L Cooper
          Cr T James
          Cr B Moller
          Cr B Olds
          Cr M O'Halloran
          Cr J Richardson
          Cr J Schilling
          Cr C Zeiger

OFFICERS:

  J Andrejic     Chief Executive Officer
  B Gardiner     General Manager Infrastructure Services
  C Posgate      General Manager Human Resources and Organisational Change
  K Reaston      General Manager Planning & Environment
  M Wuth         General Manager Water & Waste
  L Kirchner     General Manager Community, Sport & Cultural Services
  L Whitton      Chief Financial Officer
  N Masasso      Executive Project Officer
  R Holmes       Manager Marketing & Communications
  P Rogato       Media Coordinator
  A Turnbull     Executive Manager Mayor’s Office
  P Cohen        Coordinator Development
  T Dendle       A/Manager Community Development
  S Godkin       Minute Secretary
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   M Gray | 63/17/2-01 | #6200690
CONFLICT OF INTEREST / MATERIAL PERSONAL INTEREST

Cr Moller declared a conflict of interest (as defined by section 175D of the *Local Government Act 2009*) in Item 9 Open Session – Infrastructure Australia’s Australian Infrastructure Audit 2019 – Submission due to his role as Deputy Chair of RDA FNQTS. RDA are a stakeholder listed in this report. He will be dealing with this interest by excluding himself from the meeting while this matter is discussed and voted on.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

MAYORAL MINUTE

1. **COUNCIL STANDING COMMITTEES A, B, C & D**

MANNING

That Council:

1. In accordance with the provisions of Section 264 of the Local Government Regulation 2012 and until determined otherwise, Council adopts the following Standing Committees:
   - Standing Committee A
   - Standing Committee B
   - Standing Committee C
   - Standing Committee D

   and delegates power to such Standing Committees under the provisions of Section 257 of the Local Government Act to consider, assess, and decide any matters relating to Cairns Regional Council which may be delegated by Council to this Standing Committee from time to time.

2. Approves the Terms of Reference for each Committee (as tabled below);

3. Appoints Chairs and Members of each Committee in accordance with the Terms of Reference (as tabled below) until determined otherwise.

4. Copies of agenda papers and reports and minutes of Standing Committee meetings shall be distributed to all Councillors in accordance with normal practice.

5. Adopt the schedule of meetings for Standing Committees which is consistent with the schedule of meetings for Ordinary Meetings.

6. Notify the public accordingly of the meeting dates and times.
CAIRNS REGIONAL COUNCIL

CAIRNS REGIONAL COUNCIL STANDING COMMITTEE ‘A’ - TERMS OF REFERENCE

Intent
Establish the framework within which the above Standing Committee operates with reference to obligations specified in the Local Government Act 2009.

Scope
Applies to Councillors and staff of Cairns Regional Council.

PROVISIONS

Name of the Committee
Standing Committee A (the Committee)

Purpose, Responsibilities and Powers of the Committee
The Committee has been established as a separate committee to focus on all matters delegated to it when under Section 175E(6) of the Local Government Act 2009 the majority of Councillors are declaring an interest in accordance with 175D.

Council has resolved that in accordance with the Local Government Act 2009, the Committee has the delegated authority to consider, assess, and decide any matters relating to Cairns Regional Council which may be delegated by Council to the Committee from time to time.

Membership
The Committee, being a standing committee of Council, has no external members.

Until determined otherwise by resolution of Council, the Committee members are: Mayor Bob Manning (Chair), Cr Linda Cooper (Deputy Chair), Cr Brett Moller, Cr Cathy Zeiger, Cr Terry James, and Cr Brett Olds.

Timing, place and regularity of meetings
The meetings of the Committee will be scheduled as required at the Council Chambers in Spence Street.

Conduct of meetings
Meetings will be conducted in accordance with the requirements established in the General Policy Council – Terms of Reference. A quorum will be determined to be three (3) of the members of the Committee. In circumstances where the voting is equal, the Chair has a casting vote. If the Chair is not present at the meeting, the Deputy Chair has a casting vote.

Meetings of the Committee will be open to the public unless the Committee is discussing one of the matters referred to in Section 275 of the Local Government Regulation 2012 where it may resolve to go into closed session for discussion and debate of the matter. However, no vote shall be taken in closed session.
Councillors’ roles
Councillors will act in accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009 and ensure there is no conflict, or perceived conflict, between the Councillor’s private interest and the honest performance of the Councillor’s role of serving the public interest.

Recordkeeping
As this Committee has delegated authority to resolve matters delegated to it by Council, minutes of the meeting will be taken and presented to the next Ordinary meeting of Council for confirmation only. The minutes of Committee meetings will be available online to the public generally within 2 working days of the meeting.

This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review: Chief Executive Officer

ORIGINALLY ADOPTED: CURRENT ADOPTION: DUE FOR REVISION: REVOKED/SUPERSEDED:

John Andrejic
Chief Executive Officer
CAIRNS REGIONAL COUNCIL

CAIRNS REGIONAL COUNCIL STANDING COMMITTEE ‘B’ - TERMS OF REFERENCE

Intent
Establish the framework within which the above Standing Committee operates with reference to obligations specified in the Local Government Act 2009.

Scope
Applies to Councillors and staff of Cairns Regional Council.

PROVISIONS

Name of the Committee
Standing Committee B (the Committee)

Purpose, Responsibilities and Powers of the Committee
The Committee has been established as a separate committee to focus on all matters delegated to it when under Section 175E(6) of the Local Government Act 2009 the majority of Councillors are declaring an interest in accordance with 175D.

Council has resolved that in accordance with the Local Government Act 2009, the Committee has the delegated authority to consider, assess, and decide any matters relating to Cairns Regional Council which may be delegated by Council to the Committee from time to time.

Membership
The Committee, being a standing committee of Council, has no external members.

Until determined otherwise by resolution of Council, the Committee members are: Mayor Bob Manning (Chair), Cr Linda Cooper (Deputy Chair), Cr Cathy Zeiger and Cr Terry James.

Timing, place and regularity of meetings
The meetings of the Committee will be scheduled as required at the Council Chambers in Spence Street.

Conduct of meetings
Meetings will be conducted in accordance with the requirements established in the General Policy Council – Terms of Reference. A quorum will be determined to be two (2) of the members of the Committee. In circumstances where the voting is equal, the Chair has a casting vote. If the Chair is not present at the meeting, the Deputy Chair has a casting vote.

Meetings of the Committee will be open to the public unless the Committee is discussing one of the matters referred to in Section 275 of the Local Government Regulation 2012 where it may resolve to go into closed session for discussion and debate of the matter. However, no vote shall be taken in closed session.

Councillors’ roles
Councillors will act in accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009 and ensure there is no conflict, or perceived conflict, between the Councillor’s private interest and the honest performance of the Councillor’s role of serving the public interest.

Recordkeeping
As this Committee has delegated authority to resolve matters delegated to it by Council, minutes of the meeting will be taken and presented to the next Ordinary meeting of Council for confirmation only. The
minutes of Committee meetings will be available online to the public generally within 2 working days of the meeting.

*****

This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review: John Andrejic
Chief Executive Officer

ORIGINALLY ADOPTED: 
CURRENT ADOPTION: 
DUE FOR REVISION: 
REVOKED/SUPERSEDED:

John Andrejic
Chief Executive Officer
CAIRNS REGIONAL COUNCIL

General Policy

CAIRNS REGIONAL COUNCIL STANDING COMMITTEE ‘C’ - TERMS OF REFERENCE

Intent
Establish the framework within which the above Standing Committee operates with reference to obligations specified in the Local Government Act 2009.

Scope
Applies to Councillors and staff of Cairns Regional Council.

PROVISIONS

Name of the Committee
Standing Committee C (the Committee)

Purpose, Responsibilities and Powers of the Committee
The Committee has been established as a separate committee to focus on all matters delegated to it when under Section 175E(6) of the Local Government Act 2009 the majority of Councillors are declaring an interest in accordance with 175D.

Council has resolved that in accordance with the Local Government Act 2009, the Committee has the delegated authority to consider, assess, and decide any matters relating to Cairns Regional Council which may be delegated by Council to the Committee from time to time.

Membership
The Committee, being a standing committee of Council, has no external members.

Until determined otherwise by Council, the Committee members are: Mayor Bob Manning (Chair), Cr Linda Cooper (Deputy Chair), Cr Terry James and Cr Brett Olds.

Timing, place and regularity of meetings
The meetings of the Committee will be scheduled as required at the Council Chambers in Spence Street.

Conduct of meetings
Meetings will be conducted in accordance with the requirements established in the General Policy Council – Terms of Reference. A quorum will be determined to be two (2) of the members of the Committee. In circumstances where the voting is equal, the Chair has a casting vote. If the Chair is not present at the meeting, the Deputy Chair has a casting vote.

Meetings of the Committee will be open to the public unless the Committee is discussing one of the matters referred to in Section 275 of the Local Government Regulation 2012 where it may resolve to go into closed session for discussion and debate of the matter. However, no vote shall be taken in closed session.

Councillors’ roles
Councillors will act in accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009 and ensure there is no conflict, or perceived conflict, between the Councillor’s private interest and the honest performance of the Councillor’s role of serving the public interest.
Recordkeeping
As this Committee has delegated authority to resolve matters delegated to it by Council, minutes of the meeting will be taken and presented to the next Ordinary meeting of Council for confirmation only. The minutes of Committee meetings will be available online to the public generally within 2 working days of the meeting.

*****

This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review: Chief Executive Officer

ORIGINALLY ADOPTED: CURRENT ADOPTION: DUE FOR REVISION: REVOKED/SUPERSEDED:

John Andrejic
Chief Executive Officer
CAIRNS REGIONAL COUNCIL STANDING COMMITTEE ‘D’ - TERMS OF REFERENCE

Intent  Establish the framework within which the above Standing Committee operates with reference to obligations specified in the Local Government Act 2009.

Scope  Applies to Councillors and staff of Cairns Regional Council.

PROVISIONS

Name of the Committee
Standing Committee D (the Committee)

Purpose, Responsibilities and Powers of the Committee
The Committee has been established as a separate committee to focus on all matters when under Section 175E(6) of the Local Government Act 2009 the majority of Councillors are declaring an interest in accordance with 175D.

Council has resolved that in accordance with the Local Government Act 2009, the Committee has the delegated authority to consider, assess, and decide any matters relating to Cairns Regional Council which may be delegated by Council to the Committee from time to time.

Membership
The Committee, being a standing committee of Council, has no external members.

Until determined otherwise by resolution of Council, the Committee members are: Mayor Bob Manning (Chair), Cr Cathy Zeiger (Deputy Chair), Cr Terry James and Cr Brett Olds.

Timing, place and regularity of meetings
The meetings of the Committee will be scheduled as required at the Council Chambers in Spence Street.

Conduct of meetings
Meetings will be conducted in accordance with the requirements established in the General Policy Council – Terms of Reference. A quorum will be determined to be two (2) of the members of the Committee. In circumstances where the voting is equal, the Chair has a casting vote. If the Chair is not present at the meeting, the Deputy Chair has a casting vote.

Meetings of the Committee will be open to the public unless the Committee is discussing one of the matters referred to in Section 275 of the Local Government Regulation 2012 where it may resolve to go into closed session for discussion and debate of the matter. However, no vote shall be taken in closed session.

Councillors’ roles
Councillors will act in accordance with Chapter 6, Part 2, Division 5A of the Local Government Act 2009 and ensure there is no conflict, or perceived conflict, between the Councillor’s private interest and the honest performance of the Councillor’s role of serving the public interest.
Recordkeeping
As this Committee has delegated authority to resolve matters delegated to it by Council, minutes of the meeting will be taken and presented to the next Ordinary meeting of Council for confirmation only. The minutes of Committee meetings will be available online to the public generally within 2 working days of the meeting.

This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review:  Chief Executive Officer

ORIGINALLY ADOPTED:  
CURRENT ADOPTION:  
DUE FOR REVISION:  
REVOKED/SUPERSEDED:

John Andrejic
Chief Executive Officer

carried with Councillor Bates voting against the motion

CONFIRMATION OF MINUTES OF ORDINARY MEETING 9/10/19

MOLLER / SCHILLING

That the Minutes of the Ordinary Meeting held on Wednesday, 9 October 2019 be confirmed.

carried unanimously

1. CAIRNSPLAN 2016 – ADOPTION AND COMMENCEMENT OF PROPOSED MINOR AMENDMENT (CAIRNSPLAN 2016 AMENDMENT 3 OF 2019 - MINOR) ................................................................. 4
   P Cohen | 8/20/13 | #6204608

JAMES / O’HALLORAN

That Council:

1. Resolves to decide to amend the CairnsPlan 2016 Planning Scheme and make ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ in accordance with the requirements of the Planning Act 2016;
2. Resolves to prepare ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ in accordance with the requirements of the Planning Act 2016;

3. Resolves to adopt ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ in accordance with the requirements of the Planning Act 2016;

4. Sets 11 November 2019 as the commencement date for the ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’;

5. Resolves to adopt CairnsPlan 2016 Version 2.1 (incorporating ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’) in accordance with the requirements of the Planning Act 2016;

6. Sets 11 November 2019 as the commencement date of the CairnsPlan 2016 Version 2.1;

7. Publish a public notice in the Queensland Government Gazette, a local newspaper and on Council’s website advising of the adoption and commencement of ‘CairnsPlan 2016 Amendment 3 of 2019 – Minor’ and CairnsPlan 2016 Version 2.1; and

8. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters associated with the adoption and commencement of CairnsPlan 2016 Amendment 3 of 2019 – Minor and CairnsPlan 2016 Version 2.1 in accordance with the requirements of the Planning Act 2016.

carried unanimously

2. SCHOOL SPEED ZONES IN CAIRNS REGIONAL COUNCIL AREA .. 19

BHG | 1/3/21 | #6202111

RICHARDSON / OLDS

That Council:

1. Consult with all schools in the Council area regarding a proposed reduction in standardised school speed zones from 2 hours morning and afternoon to either:

   a) 1.5 hour morning and afternoon, or
   b) 1 hour morning and afternoon, or
   c) 1.5 hours in the morning and 1 hour in the afternoon.
2. Subject to the outcomes of the above consultation, commence discussions with the Department of Transport and Main Roads with a view to making changes to the school speed zones for the commencement of term 1 in 2020 and provide a report back to Council on the outcomes.

carried unanimously

Cr Cooper left the meeting 10:04 a.m.
Cr Cooper returned 10:05 a.m.

3. **DEED OF AGREEMENT – DEPARTMENT OF TRANSPORT AND MAIN ROADS AND CAIRNS REGIONAL COUNCIL FOR NEW BOATING LAUNCHING FACILITY, CAR TRAILER PARK AND ASSOCIATED INFRASTRUCTURE AT YORKEY'S KNOB**

Bruce Gardiner | 1/3/21 | #6205347

RICHARDSON / OLDS

That Council:

1. Endorses the Deed of Agreement; and

2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above, subject to Council’s normal procurement policies and practices.

carried unanimously

4. **URBAN WATER STEWARDSHIP FRAMEWORK PILOT PROGRAM**

L Powell | 24/3/2019 | #6205949

BATES / SCHILLING

That Council approves participation in an Urban Water Stewardship pilot program in late November or early December 2019.

carried unanimously
5. FIRST PEOPLES ADVISORY COMMITTEE REPORT 2019................. 53
Margaret Ross-Kelly | 1/3/22-29 | #6198054

SCHILLING / O’HALLORAN

That Council notes:


2. The FPAC’s recommendations in relation to the development of future public cultural facilities, as follows:
   a. Cairns Regional Council has the full support of FPAC to proceed with securing land and developing a local community cultural centre. Further, that Council recognise First Nations People as the custodians of the proposed community facility, which people from all cultural backgrounds will be invited to enjoy and access for local community activities and events.
   b. Cairns Regional Council has the full support of the First Peoples Advisory Committee in its desire and advocacy for a National Indigenous Heritage Centre or similar in the Cairns region. This facility would recognise the significant history, art, cultural heritage, language and customs of the First Nations Peoples.

   carried unanimously

6. NAIDOC WEEK 2019 POST EVENT REPORT........................................ 81
Margaret Ross-Kelly | 1/3/22-29 | #6192322

MOLLER / ZEIGER

That Council notes the successful activities conducted during NAIDOC Week 2019.

   carried unanimously
7. DEPARTMENT OF HOUSING AND PUBLIC WORKS - SPORT AND RECREATION EOI FOR ROUND 1 OF THE ACTIVE COMMUNITY INFRASTRUCTURE PROGRAM

That Council:

1. Approves the submission of an expression of interest for funding under Round 1 of the Active Community Infrastructure Grant offered by Sport and Recreation Queensland for the Griffith Park Strategic Plan, closing 31 October 2019.

2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters relating to the above application.

carried unanimously

8. FINANCIAL STATEMENTS FOR THE PERIOD ENDED 27 SEPTEMBER 2019

That Council notes the financial statements for the period ended 27 September 2019.

carried unanimously

9. INFRASTRUCTURE AUSTRALIA’S AUSTRALIAN INFRASTRUCTURE AUDIT 2019 – SUBMISSION

Cr Moller left the meeting 10:15 a.m.

That Council:

1. Approves the attached submission to Infrastructure Australia; and
2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise and lodge the submission and respond to any queries and deal with any other matters arising from it.

*carried unanimously*

Cr Moller returned 10:20 a.m.

Cr Zeiger left the meeting 10:20 a.m.
Cr Zeiger returned 10:22 a.m.

10. **CHIEF EXECUTIVE OFFICER’S UPDATE ............................................. 126**

*John Andrejic | 93/1/2 | #5967128v10*

**SCHILLING/ OLDS**

That Council notes the report.

*carried unanimously*

11. **ANNUAL REPORT FOR CAIRNS REGIONAL COUNCIL 01 JULY 2018 – 30 JUNE 2019................................................................. 145**

*A Agius | 1/3/87-09 | #6144714*

**MOLLER / SCHILLING**

That Council:

1. Adopts the Annual Report for the period of 1 July 2018 to 30 June 2019 for the Cairns Regional Council in accordance with the requirements of the Local Government Act 2009 and associated regulation.

2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise all matters associated with publishing this report including the auditor-general’s audit report and the 2018/19 Financial Statements

*carried unanimously*
GENERAL BUSINESS

1. SHARK DRUM LINES

OLDS / RICHARDSON

That Council write to the State Minister of Agriculture and Fisheries, Mark Furner, and to the Federal Environment Minister, Susan Ley, to let them know that we have concerns regarding the recent removal of the shark drum lines from our beaches. We believe that this action has made our beaches less safe for users and request that their offices work closely together to get this resolved ASAP and keep us updated on any progress.

carried unanimously

2. PETITION: CYCLEWAY BRIDGE BETWEEN MACHANS BEACH AND HOLLOWAYS BEACH

BATES / RICHARDSON

That the petition (6212584) calling on Cairns Regional Council to halt all planned construction on the cycleway bridge between Machans Beach and Holloways Beach, be received and referred to officers for a report back to Council for consideration. (262 petitioners)

carried unanimously

3. PETITION: NORTHERN BEACHES LEISURE TRAIL HOLLOWAYS BEACH

RICHARDSON / OLDS

That the petition (6210451) opposing the current proposal for the Northern Beaches Leisure Trail in Holloways Beach, be received and referred to officers for a report back to Council for consideration. (51 petitioners)

carried unanimously
CLOSED SESSION

O’HALLORAN / SCHILLING

COUNCIL RESOLVED TO GO INTO CLOSED SESSION TO DISCUSS THE FOLLOWING MATTERS AS LISTED IN THE AGENDA:

1. PREJUDICIAL MATTER – QUEENSLAND RECONSTRUCTION AUTHORITY BETTERMENT PROGRAM - NORTH AND FAR NORTH QUEENSLAND MONSOON TROUGH: 25 JANUARY - 14 FEBRUARY 2019 .............................................................. 3
   Martin Perkowicz | 30/9/1-01 | #6183923

2. PREJUDICIAL MATTER - AUDITOR-GENERAL’S OBSERVATION REPORT ON THE AUDIT OF THE 2018/19 CAIRNS REGIONAL COUNCIL FINANCIAL STATEMENTS .................................................. 12
   M Gray | 63/17/2-01 | #6200690

carried unanimously

Cr Olds and Richardson left the meeting 10:31 a.m.
Cr Olds returned 10:32 a.m.

Cr Richardson returned 10:33 a.m.

OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

MOLLER / SCHILLING

carried unanimously
RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. **PREJUDICIAL MATTER – QUEENSLAND RECONSTRUCTION AUTHORITY BETTERMENT PROGRAM - NORTH AND FAR NORTH QUEENSLAND MONSOON TROUGH: 25 JANUARY - 14 FEBRUARY 2019**

MOLLER / SCHILLING

That Council:

1. Approves the submission of an application for funding under the Queensland Reconstruction Authority Built/Infrastructure (Betterment) Fund for the Goldsborough Road Culvert Replacement project.

2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters relating to the above application, subject to Council’s normal procurement policies and practices.

*carried unanimously*

2. **PREJUDICIAL MATTER - AUDITOR-GENERAL’S OBSERVATION REPORT ON THE AUDIT OF THE 2018/19 CAIRNS REGIONAL COUNCIL FINANCIAL STATEMENTS**

SCHILLING / JAMES


*carried unanimously*

THE MEETING CLOSED AT 10:38 AM

CONFIRMED THIS 13TH DAY OF November 2019

.........................................................
MAYOR

.........................................................
CHIEF EXECUTIVE OFFICER